

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

NATIONAL COUNCIL OF EXAMINERS	)	
FOR ENGINEERING AND SURVEYING,	)	
	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil No. 07-1479 (SEC)
	)	
BETHZAIDA CAMERON-ORTIZ	)	
	)	
Defendant.	)	
_____	)	

**PLAINTIFFS' RESPONSE TO SHOW CAUSE ORDER**

In an Order dated August 9, 2007, the Court ordered plaintiff National Council of Examiners for Engineering and Surveying ("NCEES") to "SHOW CAUSE by August 16, 2007 why [the Court] should not dismiss this case for failure to prosecute," in light of "Plaintiff's apparent lack of interest in moving this case forward." NCEES respectfully responds as follows to the Court's order:

1. NCEES is very interested in moving this case forward, and fully intends to pursue its claims against defendant Bethzaida Cameron-Ortiz ("Ms. Cameron-Ortiz"). Therefore, the Court should not dismiss this case.

2. This case has been pending for a short time. It was filed approximately two months ago, on June 6, 2007.

3. Ms. Cameron-Ortiz was served on July 2, 2007. Her answer to NCEES' complaint was due July 23, 2007. However, as the Court notes in its show cause Order, Ms. Cameron-Ortiz has not yet filed her answer or otherwise appeared.

4. Although NCEES does not know why Ms. Cameron-Ortiz has failed to respond to NCEES' complaint, this could reflect the fact that Ms. Cameron-Ortiz is the subject of a pending criminal proceeding involving the same conduct complained of by NCEES in its complaint. See Exs. I, II, III, IV hereto (newspaper articles). Preliminary hearings have been held in her criminal case, see id., and her trial is scheduled to begin on September 10, 2007.

5. This is not a run-of-the-mill commercial dispute. It involves the theft of copyrighted questions from a standardized exam that is relied upon by numerous jurisdictions, including Puerto Rico, as part of the licensing process for engineers. A damages award and appropriate injunctive relief are, of course, important to NCEES, and NCEES could seek a default judgment requesting such relief. However, it is also essential that NCEES learn as much as possible about Ms. Cameron-Ortiz's actions and her potential accomplices. This information is extremely important not only to NCEES, but also to the Puerto Rican licensing authorities, and to the members of the general public whose protection is at the heart of the licensure process for engineers. If Ms. Cameron-Ortiz has disclosed exam questions to other individuals and those individuals have used the questions to pass their licensing exam, it is critical to know this. Likewise, if others have helped Ms. Cameron-Ortiz compromise the licensing exam for engineers or have engaged in similar conduct, it is critical to know this. The discovery process in this civil lawsuit may be the only way to obtain this information.

6. Discovery may also be relevant to the damages to which NCEES is entitled under the Copyright Act. See 17 U.S.C. § 504.

7. Absent an order by the Court or agreement of the parties, NCEES cannot serve discovery requests on Ms. Cameron-Ortiz until "the parties have conferred as required by Rule 26(f)." See Fed. R. Civ. P. 26(d). Because Ms. Cameron-Ortiz has not yet entered an

appearance in this case, NCEES has not been able to confer with her or her counsel, and therefore has not yet been able to serve any discovery requests on Ms. Cameron-Ortiz or on third parties. If the Court believes that discovery should begin even though the parties have not yet conferred and will enter an order authorizing the parties to begin discovery, NCEES will certainly initiate discovery promptly.

WHEREFORE, NCEES requests that the Court **not** dismiss this lawsuit based upon its apparent concern about whether NCEES intends to pursue the litigation. NCEES intends to actively and aggressively pursue its claims against Ms. Cameron-Ortiz, including discovery, as soon as NCEES is able to do so.

RESPECTFULLY SUBMITTED. In San Juan, Puerto Rico this 15<sup>th</sup> day of August, 2007.

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